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JUL 30 2009

FCC Mail Room

307 South Decatur St.
P.O. Box 1991
Montgomery, AL 36102-1991
(334) 223-6700
www.mps.k12.al.us

Superintendent

John Dilworth

Montgomery County
Board of Education
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Melissa Snowden, Vice Chair
District 5

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District 1

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District 2

Eleanor Dawkins
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Mary Briers
District 4

Robert Porterfield
District 6

July 18, 2009

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

CC Docket No. 96-45 and CC Docket No. 02-6

Subject: **Addendum to Request for Review/Appeal of the Universal Service Administrative Company (USAC) Decision - (Contains Missing Attachments to Original Request Dated July 10, 2009)**

References:

1. Montgomery Public Schools' Letter, dated July 10, 2009, Subject: Request for Review/Appeal of the Universal Service Administrative Company (USAC) Decision
2. USAC Schools and Libraries Division Appeal Decision, dated May 19, 2009
3. Montgomery County School District's Appeal Request to USAC, dated December 2, 2008

To Whom It May Concern;

Montgomery County School District submitted a Request for Review/Appeal of the Universal Service Administrative Company (USAC) Decision letter dated July 10, 2009 which was mailed through the USPS on July 18, 2009. This package requests the FCC review and consider the facts associated with the funding commitment decisions and the subsequent appeal denial issued by USAC and referenced above (References 2 & 3). Our request letter dated July 10th referenced seven (7) attachments with Attachment 2 consisting of twelve Sub-Attachments numbered 2-1 through 2-12. Unfortunately, the package containing the July 10th, 2009 request and referenced attachments was inadvertently mailed without Sub-Attachments 2-5, 2-6, and 2-7 which were referenced in the letter. Therefore, we have attached the missing attachments and request they be joined with the Request for Review/Appeal letter and package dated July 10, 2009 to complete the package.

The following information is provided to assist you in locating the referenced Request for Review/Appeal associated with this Addendum:

Applicant Name:	Montgomery County School District
Billed Entity Number:	128086
Form 471 Application Number:	592679

0

Funding Request Numbers: 1661225, 1661255, 1768757

Contact Information:

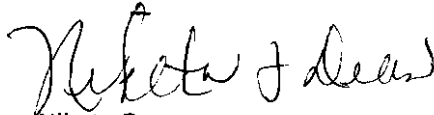
Name: Niketa Dean
Address: Montgomery Public Schools
515 South Union Street
Montgomery, Alabama 36104
Phone: (334) 269-3830
Fax: (334) 269-3900
Email: Niketa.dean@mps.k12.al.us

Introduction

Montgomery County Schools disagrees with USAC's Appeal Decision, dated May 19, 2009 and asserts that it complied with the competitive bidding requirements to include the FCC orders and USAC guidance for these funding requests and did not issue "their own RFP for FRNs 1661225, 1661255, and 1768757" as stated in USAC's appeal decision. The details of this assertion and supporting documentation is outlined in our Request for Review letter sent to the FCC dated July 10th, 2009 and all supporting attachments (plus the three missing attachments included with this letter).

Thank you for your consideration, we greatly appreciate the opportunity to participate in the E-rate program. If you have any questions please contact Niketa Dean at (334) 269-3830.

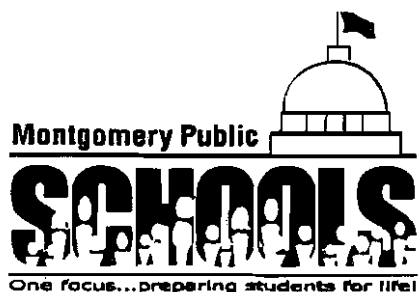
Sincerely,



Niketa Dean
District Technology Coordinator
Voice: (334) 269-3830
Fax: (334) 269-3900

Sub-Attachments (to be joined with the July 10th, 2009 letter and attachments):

- 2.5 Montgomery County School District Selective Review Follow-on Response dated 7-14-08
- 2.6 Montgomery County School District Selective Review Follow-on Response dated 8-1-08
- 2.7 Schools and Libraries Division Client Services Bureau Case Number 21-791639 Correspondence, Re: Multi award State Contract



Superintendent
John Dilworth

307 South Decatur Street
Post Office Box 1991
Montgomery, Al 36102-1991

FCC Appeal
Attachment 2-5

Board Members
Mary Briers, *Chairwoman*
Vickie Jernigan, *Vice Chairwoman*

ATTACHMENT 5
(6 pages)

Eleanor Dawkins
Charlotte Meadows
Beverly Ross
Melissa Snowden
Henry A. Spears

(334) 223-6700
www.mps.k12.al.us

July 14, 2008

Jessica Olsen
Selective Review Department
Universal Service Administration Company
Schools & Libraries Division

Dear Ms. Olsen;

The following information is provided in response to your letter dated July 7, 2008 requesting Montgomery County School District provide additional information in reference to the Selective Review documentation that was provided last month for Funding Year 2008.

Item I. Professional Development:

Do you have a training staff? Montgomery Public Schools has an **Office of Educational Technology** that is responsible for providing training to all teachers on technology integration projects and ideas for classroom instruction. There are three district technology trainers that provide training to teachers. These three educators provide specific training to 20 schools each: 60 schools have been divided among the three educators. Technology instructors provide training on the school site as well as the district technology training lab. The staff is supervised by the District Technology Coordinator.

Who provides the training? Three District Level Instructors provide training on behalf of all teachers.

Who receives the training and what are they trained on? Teachers, administrators and other district level personnel of Montgomery Public Schools benefit from the training received through monthly Technology Workshop Calendars sent to all schools each month advertising workshops offered at the district technology office. Teachers, administrators and other district level employees register for a workshop using the STI Professional Development database used by teachers, administrators and other district level personnel for tracking of Continuing Education Units (CEU's).

Examples of the type of training offered by the Office of Educational Technology are included below:

Microsoft Excel 2007	Multimedia, Blogs and Wikis	Using Hyperlinks and Videos in PowerPoint
Lights, Cameras, Action - - It's Story Time <i>Using Digital Storytelling for classroom instruction</i>	Powerful Publications using Microsoft Publisher	Video Streaming with United Streaming
Creating Tests and Handouts using Microsoft Word	Using ALEX (Alabama Learning Exchange) -- An educational web portal where teachers and administrators find courses of study, lesson plans and web resources aligned to the Alabama Course of Study Content Standards.	Email with Microsoft Outlook
Gaggle A look at providing a safe email alternative for student/teacher communication	Web 2.0 tools Exploring Google for technology integration using FREE online tools such as Google Docs and Google Earth	Taking Virtual Fieldtrips Participants learn valuable uses of videoconferencing for classroom instruction.

Is a train-the-trainer mode of training used? Yes, a train-the-trainer mode of training is employed for the benefit of teachers who are assigned as school level technology coordinators. School level Technology Coordinators are the technology leaders of each school. Personnel assigned as the school Technology Coordinator has the responsibility of attending quarterly training sessions aimed at the development and implementation of district level technology initiatives.

Are there Education Service Agencies that provide training? Yes, the Central Alabama Regional Education In-service Center housed at Alabama State University provides ongoing staff development for teachers, principals, superintendents and central office personnel.

Item II. Retrofitting:

The Montgomery Public School (MPS) District recognizes the need for new and advanced technology and has consistently upgraded its facilities over the years to accommodate the use of technology in the district. Since 1998 the district spent approximately \$425,437 in one-time renovation costs and budgets approximately \$1,175,000 each year for maintenance materials and services to maintain the facilities and to accommodate new requirements such as technology. By

2003 the school district equipped all of its schools and administrative buildings with fiber optic cabling, CAT 5e cabling, computers, servers, network cabinets, switches, and labs. Since that time the school district has maintained its network through upgrades, warranty replacements, increased computer purchases, and network maintenance by its Technology Department and it will continue to be so maintained in the foreseeable future. The Technology Department is comprised of 25 personnel who are responsible for maintaining and upgrading the network as necessary. The school district network consists of local area networks (LAN's) at each of the schools and administrative locations. The topology of the LAN's consists of a DNS server at each school and workstations that reside in the classrooms and labs. The labs and classroom computers have the capability of accessing the Internet, network software and other LAN resources. Each location has network cabinets located in the Main and Intermediate Distribution Facilities (MDF & IDF) that house switches which distribute network connections at various speeds (10/100mbps or 10/100/1000mbps) to classrooms, labs, and other pertinent areas of the buildings. The classrooms are linked to the MDF/IDF with fiber cabling. Most of the buildings in the system are equipped with wireless connections providing a secure wireless connection for students, teachers, and administrators within a designated area, such as libraries, hallways, and classrooms. The distribution of LAN resources are centralized within the local area network. The Technology Department is also augmented by the use of contracted personnel to support network operations as well as contracts that are awarded for special technology projects, when needed. The Technology Department maintains an estimated annual budget of over \$3,000,000.00 for the operation of this department and the district's network. The district recognizes the need for efficiency in maintaining such an extensive network to maximize the resources available for network management and operations, therefore in 2005 the district constructed and stood up a network operations center (cost estimated at over \$700,000.00) centralizing many of the servers and network operations and reducing the footprint of network equipment at each location. The district also employs a Maintenance Department consisting of 63 personnel which operates with a budget of over \$2,482,000. This department maintains the operation of every school and administrative building including repair and upgrade of the air conditioning and electrical systems at each location when needed. The school district's buildings are asbestos free and there is adequate air conditioning, adequate wiring, and adequate space for existing and new technology as well as adequate support to ensure these systems are maintained at the required levels.

Item III. RFP:

a) FRNs 1661225 and 1661255

- According to USAC guidance for State Master Contracts, "If the state files a Form 470, then the applicant may cite the state's Form 470 on its Form 471. The state must follow a competitive bidding process pursuant to FCC requirements and state procurement law." Form 470 387610000596350 was posted by the Alabama State Department of Education seeking a State Master Contract that resulted in a multiple award schedule/contract. MPS cited the state's Form 470 because the equipment and services are being obtained from the ALJP2007 state contract which had not expired at the time the quote was requested. Since the products/services that were cited in our applications were awarded to multiple vendors we followed guidance provided by USAC in previous news briefs and Service Provider calls and by our State Technology Coordinator that required us to document why we selected a specific service provider from among those service providers on the selected schedule, with the price of the eligible products and services being the primary factor in our evaluation. Therefore, as recommended we sought quotes from the State Contract vendors to enable us to determine which service providers were able to offer the best pricing for the requested products/services and who met all other requirements (with price being the primary factor).
- Yes. Form 470 #387610000596350 is the establishing Form 470 for the services on FRNs 1661225 and 1661255.

b) FRNs 1685812 and 1685819

- Same as Paragraph III.a) above.
- Yes. Form 470 #387610000596350 is the establishing Form 470 for the services on FRNs 1685812 and 1685819.

Item IV. Vendor Selection:

FRNs 1637743 and 1646100

- Bids received in response to the Montgomery Public School District's leased WAN and Internet Services RFP (Bid # 01-06) *FRN's 1637743 and 1646100* were evaluated and a vendor was selected using all response information from the Bid Proposal Form. The

bidding vendors were required to provide all key information regarding meeting the RFP minimum standards for services (required or bid would be thrown out) and cost of the eligible fees. For those vendors whose Bid Proposal Form was submitted and prepared as required and the bid met the minimum standards for services then the bids were accepted and evaluated with cost as the only factor. Based on these procedures Charter's bid was selected as the most cost effective as stated in our vendor selection documentation.

FRN 1659537

- Bids received in response to the Montgomery Public School District's Computer Network Cabling Services RFP (Bid # 03-07) *FRN 1659537* were evaluated and a vendor was selected using all response information from the Bid Proposal Form and certifications. The bidding vendors were required to provide, all key information regarding meeting the RFP minimum standards for services (required or bid would be thrown out) and cost of the eligible fees. For those vendors whose Bid Proposal Form and certifications were prepared and submitted as required and the bid met the minimum standards for services then the bids were accepted and evaluated with cost as the only factor. Based on these procedures Information Transport Solutions' bid was selected as the most cost effective as stated in our vendor selection documentation.

FRN 1657044

- Bids received in response to the Montgomery Public School District's Firewall Services RFP (Bid # 35-07) *FRN 1657044* were evaluated and a vendor was selected using all response information from the Bid Proposal Form and certifications. The bidding vendors were required to provide all key information regarding meeting the RFP minimum standards for services (required or bid would be thrown out) and cost of the eligible fees. For those vendors whose Bid Proposal Form and certifications were prepared and submitted as required and the bid met the minimum standards for services then the bids were accepted and evaluated with cost as the only factor. Based on these procedures Charter's bid was selected as the most cost effective as stated in our vendor selection documentation.

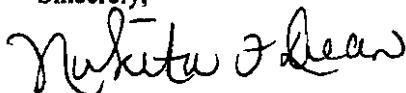
Item V. Contracts:

FRN 1697044

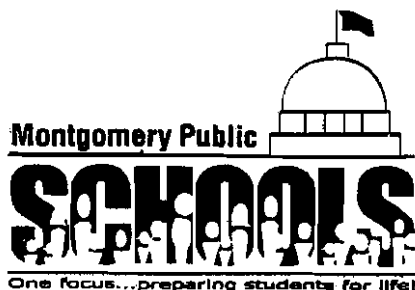
- The latest signature date on the contract was 1/29/08 which is the date the agreement was finalized and is the date that was identified as the Contract Award Date. If this is not correct and the Contract Award Date should be the date of the Applicant signature then we agree with your request to modify the contract Award Date from 1/29/08 to 1/28/08. However, if the Contract Award Date should be the date the agreement was fully executed then the date should remain 1/29/08, the date of the latest signature.
- The Contract Expiration Date was submitted as 6/30/11 as recommended by USAC personnel during SLD training and Service Provider's Calls where applicants were advised to enter the expiration date of the last extension rather than the date of the base contract period. The reasoning was that this would maintain the connection with the original contract and would minimize confusion during PIA reviews which would occur in subsequent years if the contract expiration dates changed referencing the same contract. If the guidance we have received previously on this issue is not correct, then we agree with your request to modify the Contract Expiration Date from 6/30/11 to 6/30/09. However, if SLD is continuing to advise applicants to use the expiration date of the last extension period then we would request that it remain unchanged to minimize PIA confusion in the upcoming years.

Thank you for the opportunity to provide additional information. Please let me know if you require any additional information.

Sincerely,



Niketa Dean
District Technology Coordinator
Voice: (334) 269-3830
Fax: (334) 269-3900



Superintendent
John Dilworth

307 South Decatur Street
Post Office Box 1991
Montgomery, AL 36102-1991

FCC Appeal
Attachment 2-6
Board members
Mary Briers, Chairwoman
Vickie Jernigan, Vice Chairwoman

ATTACHMENT 6
(5 Pages)

Eleanor Dawkins
Charlotte Meadows
Beverly Ross
Melissa Snowden
Henry A. Spears

(334) 223-6700
www.mps.k12.al.us

August 1, 2008

Jessica Olsen
Selective Review Department
Universal Service Administration Company
Schools & Libraries Division

Dear Ms. Olsen;

The following information is provided in response to your letter dated July 28, 2008 requesting Montgomery County School District (BEN 128086) provide additional information in reference to the Selective Review documentation that was provided previously for Funding Year 2008.

Question Item I & V.

I.

FRNs 1661225, 1661255: You posted the state Form 470 387610000596350 which was posted on 11/17/06. You then sent out "Request for Quotes" to various vendors on 12/19/07, and stated that the bids were due on 1/2/08.

- Please explain why you issued a "Request for Quote" a year later when you already posted the state Form 470.***
- Is the Form 470 # 387610000596350 the establishing Form 470 for services on this FRN? Yes or No.***

If No, please provide the 15-digit Form 470 Number that established the bidding for the FRN. The establishing Form 470 is the specific Form 470, which was posted for that particular service for 28 days, and pursuant to which a contract was signed or an agreement was entered into. (If the Form 470 has not been certified please include a copy of the signed Form 470 Certification page with your response. Failure to provide a copy of the signed Form 470 Certification page will result in a denial of your funding request.)

V.

FRNs 1685812, 1685819: You posted the state Form 470 387610000596350 which was posted on 11/17/06. You then sent out "Request for Quotes" to various vendors on 12/18/07, and stated that the bids were due on 1/15/08.

- Please explain why you issued a "Request for Quote" a year later when you already posted the state Form 470.***
- Is the Form 470 # 387610000596350 the establishing Form 470 for services on this FRN? Yes or No.***

and pursuant to which a contract was signed or an agreement was entered into. (If the Form 470 has not been certified please include a copy of the signed Form 470 Certification page with your response. Failure to provide a copy of the signed Form 470 Certification page will result in a denial of your funding request.)

Response Item I & V.

The "Request for Quotes" requested "quotes" for the purpose of receiving state master contract pricing from state master contract (ALJP2007) service providers who had **already been awarded the ALJP2007 contract** on 01/05/07 (FRN 1685812), 01/08/07 (FRN 1661255 & 1685819), and 01/10/07 (FRN 1661225). It did not request "bids" because the service providers had already been awarded the ALJP2007 contract as outlined below.

State Master Contract History: The ALJP2007 state master contract was awarded after a competitive bid process which occurred when the Alabama Department of Education posted Form 470 #387610000596350 and the associated RFP on 11/17/06 requiring bids be submitted by 12/19/06 (after the 28 day requirement). This solicitation sought to award a multi-year state master contract for Alabama K-12 entities to purchase products and services and apply for E-rate funding citing the state's Form 470. As a result of the competitive bidding process the following contract schedules were awarded: ALJP2007-0101 on 01/05/07 (FRN 1685812), ALJP2007-0102 on 01/10/07 (FRN 1661225) and ALJP2007-0103 on 01/08/07 (FRN 1661255 & 1685819). These activities comprised the competitive bidding process required to award these contracts in accordance with SLD requirements and State Bid Law. The contract information can be verified by viewing the ALJP2007 State Master Contract at <http://aljp.alsde.edu/default2.htm>. The Alabama Department of Education, State Technology Coordinator, Mr. Jerome Browning, (334) 292-9594, jbrowning@alsde.edu, Alabama Department of Education, Technology Initiatives Department is the contract holder and maintains all documentation related to the competitive bidding process and contract award and can be contacted to provide this information, if needed.

- a. A "Request for Quote" was issued for FRN 1661225, 1661255, 1685812, & 1685819 to state **master contract service providers** a year after the state's Form 470 was posted because MPS sought "quotes" from service providers on the existing state master contract (ALJP2007) to purchase products and services **from that contract** following SLD's "Contract Guidance" for purchasing off of a state master contract "where the state files a Form 470." We did NOT post our own Form 470. Rather, the cited Form 470 was posted by the state and a multi-year, multiple award contract was established for Alabama K-12 entity use.

Since ALJP2007 is a multiple award contract MPS requested "quotes" from each of the product **service providers on the awarded contract** to obtain pricing information (Note: only state master contract service providers were asked to provide quotes). These quotes were needed to enable MPS to select a service provider from among those on the *existing* contract, with price being the primary factor, as required by the following SLD guidance:

"If the state-filed Form 470 resulted in contracts with multiple service providers or a multiple award schedule, an applicant cannot simply select any service provider from the contract or schedule. Instead, the applicant must be able to document why it selected a specific service provider from among those service providers, with the price of the eligible products and services being the primary factor in its evaluation. This process must be documented in the same way that an applicant must document its selection process when it files its own Form 470." (Schools and Libraries News Brief, 12/15/06)

The "Request for Quotes" and vendor selection documentation provided in the SRIR response are documentation of the evaluation process used to select a specific service provider from the *existing* State Master Contract awarded on 01/05/07, 01/08/07 & 01/10/07; they are NOT documentation of a competitive bid process.

- b. Yes. Form 470 #387610000596350 is the establishing Form 470 for the services on FRNs 1661225, 1661255, 1685812, & 1685819.

Question Item II & III.

II.

In response to the Selective Review Information Request you provided a Request for Proposal (RFP), upon review we find that the RFP was not available for service providers to review for 28 days (from release date to due date) RFP was posted on 12/19/07 and due date was 1/2/08. In order to ensure a fair competitive bidding process, the Form 470 and RFP (if applicable) must be posted for 28 days before vendor evaluation/selection can be performed. Based on this documentation the following FRNs 1661225, 1661255 will be denied.

For additional information on Requests for Proposals and competitive bidding, please refer to the USAC Website: <http://www.usac.org/si/applicants/step03/>.

If you disagree with our determination and you have alternative information, please provide the supporting documentation.

III.

You provided a memo that was dated 1/4/08, that stated you were purchasing off of the state contract. This was not 28 days after the RFP was issued on 12/19/07. Documentation provided during the Selective Review shows a decision to award a contract for a new service was made prior to the required 28-day waiting period or the RFP due date, therefore FRN 1661255 will be denied.

If you disagree with our determination and you have alternative information, please provide the supporting documentation.

Response Item II & III.

We do not agree with the assessment that FRNs 1661225 and 1661255 should be denied. MPS followed SLD's "Contract Guidance" for purchasing off of a state master contract "where the state files a Form 470." These procedures do not require applicants to wait 28 days before making a selection because the applicant is purchasing off of an existing contract with an associated Form 470. We did NOT post our own Form 470 or RFP which would have required us to wait 28 days before making a selection. The "Request for Quotes" were issued to obtain "quotes" from service providers who had already been awarded the existing State Master Contract (ALJP2007). Only service providers listed on ALJP2007 were invited to provide quotes so this was not a new competitive bidding process and did not require a 28 day posting period.

quotes so this was not a new competitive bidding process and did not require a 28 day posting period.

The "Request for Quotes" and vendor selection documentation provided in the SRIR response are documentation of the evaluation process used to select a specific service provider from the existing State Master Contract; they are NOT documentation of a new competitive bid process. Therefore, FRNs 1661225 and 1661255 should not be denied because the Form 470 and RFP were available for 28+ days prior to award of the ALJP2007 contract associated with these applications.

Question Item IV.

IV.

You disqualified Wireone because they sent the bid on 1/2/08, which was after your due date on the RFP. Since the RFP was not posted for 28 days, this bid should not have been disqualified. Based on the documentation you provided during the Selective Review, FRN 1661255 will be denied because you did not consider all bids received in response to the Form 470 and/or RFP during your evaluation process.

If you disagree with our determination and you have alternative information, please provide the supporting documentation.

Response Item IV.

We do not agree with the assessment that FRN 1661255 should be denied. See Response I & V and II & III for justification. The request for quotes were not subject to the 28 day requirement because they were a request for pricing from an existing state contract; therefore, MPS did not violate the 28 day requirement. Wireone failed to meet the deadline established for ALJP2007 service providers to provide the requested quotes; therefore, it could not have been considered.

Question & Response Item V. See Item I & V.

Question Item VI.

VI.

FRNs 1685812 and 1685819: I understand that you agreed to purchase off of the State Master Contract. You provided a memo dated 5/15/08, which looks like the date you decided to purchase off of the state contract. This date is after the Certification Postmark Date of 2/1/08, which is a program rule violation.

Based on the documentation that you have provided, the entire FRNs 1685812 and 1685819 will be denied because the contract that you provided was signed on 5/15/08 which is after the CPD of 2/1/08. For additional contract guidance; please refer to the USAC website at: <http://www.usac.org/sl/applicants/step04/contract-guidance.aspx>.

If the entire FRN should not be denied and you have alternative information, please provide the supporting documentation.

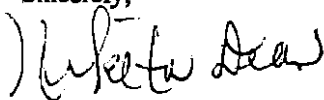
Response Item VI.

The date on the vendor selection letter should have been 1/16/08 vice 5/15/08. Vendor selection actually occurred on 1/16/08 as you can see from the attached email correspondence dated 1/16/08 (Attachment 1) between our consultant and the selected vendor which discussed the Item 21s that were needed to file the 471 application. The date on the letter to the state master contract service provider was simply entered incorrectly. Additionally, our intent to purchase off of the state master contract was documented in our request for state master contract quotes from contract service providers dated 12/18/07 and a new contract was not signed because we were obtaining services from an existing state master contract.

We have corrected our copy of the memo to reflect the correct vendor selection date of 1/16/08 and request USAC do the same to their copy. Request USAC not cancel FRNs 1685812 & 1685819 based on this administrative error since state master contract vendor selection did occur before the 471 application was filed and this was not a procedural error.

Thank you for the opportunity to provide additional information. Please let me know if you require any additional information.

Sincerely,



Niketa Dean
District Technology Coordinator
Voice: (334) 269-3830
Fax: (334) 269-3900

Attachments:

1. Email dated January 16, 2008, Subject: MPS Year 11 Switch Upgrade Draft.xls

From: sldnoreply@sl.universalservice.org
Sent: Friday, October 10, 2008 3:25 PM
To: cmclaughlin@dynamicstrategiesllc.com
Subject: RE: Subsequent Web Inquiry, case# 21-791639

FCC Appeal Attachment 2-7

Thank you for your inquiry. There is no minimum timeframe you need to adhere to in your selection of multiple providers, you need only document how you made the selections you did.

If you have any further questions, please feel free to contact our Schools and Libraries Helpline at 1-888-203-8100. Please remember to visit our website for updates: <http://www.sl.universalservice.org>

Thank you,
Schools and Libraries Division
Universal Service Administrative Company

-----Original Message-----

From: cmclaughlin@dynamicstrategiesllc.com
Subject: Subsequent Web Inquiry

[FirstName]=Corrina
[LastName]=McLaughlin
[Title]=
[EmailAddress]=cmclaughlin@dynamicstrategiesllc.com
[WorkPhone]=3342216124
[FaxPhone]=3345146865
[PreviousCaseNumber]=21-791639
[DateSubmitted]=10/10/2008 14:23:56
[Question]=Please confirm that SLD has received the attachment with my detailed question that I sent yesterday in reference to this case number. I did not receive a confirmation or a response so am concerned.
[AttachmentFlag]=N

Corrina M. McLaughlin

From: Corrina M. McLaughlin [cmclaughlin@dynamicstrategiesllc.com]
Sent: Thursday, October 09, 2008 12:35 PM
To: 'sldcaseattachments@sl.universalservice.org'
Subject: RE: SLD Inquiry #: 21-791639 Received
Attachments: 21-791639 Question to SLD - Multiple Award State Contracts.doc

Please see the attached information and question concerning Multiple Award State contract. I look forward to the additional guidance.

Corrina
Phone: (334) 221-6124
Fax: (334) 514-6865
cmclaughlin@dynamicstrategiesllc.com

From: sldcaseattachments@sl.universalservice.org [mailto:sldcaseattachments@sl.universalservice.org]
Sent: Thursday, October 09, 2008 12:27 PM
To: cmclaughlin@dynamicstrategiesllc.com
Subject: SLD Inquiry #: 21-791639 Received

Thank you for sending an email inquiry to the SLD. This message serves as a receipt confirmation.

You indicated in your request that you wish to send an attachment. To do this please reply to this message and add your attachment to the reply.

Please note that you may also refer to the SLD website (www.sl.universalservice.org) for program information and view WebEx sessions regarding key E-rate topics, listed below.

Your case number is 21-791639.

Please refer to this number in subsequent contacts with the Client Service Bureau regarding this specific issue. Please do not resubmit this case number if your inquiry pertains to a different issue with respect to the same FRN.

We may need to request additional information from you in order to completely answer your question or fulfill your request.

Here is the information you submitted:

[FirstName]=Corrina [LastName]=McLaughlin [JobTitle]= [EmailAddress]=cmclaughlin@dynamicstrategiesllc.com [WorkPhone]=3342216124 [FaxPhone]=3345146865 [PreviousCaseNumber]=0 [FormType]=Other [Owner]=TCSB [DateSubmitted]=10/9/2008 1:25:30 PM [AttachmentFlag]=Y[Question2]=I will send the question concerning vendor selection from a multiple award state contract as an electronic document when I receive the email from USAC since I am receiving errors when I try to submit it. Thank you.

10/10/2008

YOUR REPLY IS ONLY FOR TRANSMITTING YOUR ATTACHMENT.

ANY INFORMATION IN THE BODY OF YOUR REPLY MESSAGE WILL BE DISREGARDED.

IF YOU WISH TO SUBMIT ADDITIONAL INFORMATION, PLEASE DO SO USING THE **ASK A QUESTION** FORM AVAILABLE ON THE SLD WEBSITE.

SLD TRAINING PRESENTATIONS

SLD Training Presentations are available on the topics listed below at <http://www.sl.universalservice.org/reference/Presentations2004.asp>.

WEBEX RECORDINGS/LIVE SLD TRAINING SESSIONS

Recorded sessions on key SLD topics are now available on the SLD's WebEx site at universalservice.webex.com. Click on the Recorded Sessions tab under the Attend a Session link to view the available recordings. To view a session, you must register by providing certain information. This information will assist the SLD to better understand how the site is being accessed and to design new training sessions that will be helpful to users.

In addition, you may also register for live WebEx recordings by going to universalservice.webex.com and clicking on Live Sessions under the Attend a Session Tab and then clicking on the Upcoming tab. Please see instructions below for registering for a live session.

The following topics are currently available:

- General Updates/New Initiatives
- Technology Planning
- Form 470 Changes
- Competitive Bidding
- Program Compliance
- Service Provider Perspective
- Form 471 Changes
- Eligible Services
- Miscellaneous PIA Updates
- Audits
- Invoicing
- Appeals
- Commitment Adjustments

Follow this link to learn how to register to view a recording. [PDF, 714kb]

Follow this link to learn how to register to log into a live Training Session. [PDF, 312kb]

Follow this link to the SLD's WebEx site

SLD provides the following guidance for purchasing off of a state master contract where the state files a Form 470:

“Step 4. Contract Guidance: STATE MASTER CONTRACTS: Filing the Form 470

If the state files a Form 470, then the applicant may cite the state's Form 470 on its Form 471. The state must follow a competitive bidding process pursuant to FCC requirements and state procurement law.

The applicant is required to follow the applicable provisions of the state master contract and state and local procurement laws. No separate bidding documents or contracts are required by the applicant citing the state's Form 470, other than what is required by the state master contract and state and local procurement laws. The signed state master contract between the state and the service provider meets the FCC signed contract requirement.”

Additionally, where the state master contract is a multiple award contract SLD has provided the following guidance (SLD News Brief 12/15/06): “If the state-filed Form 470 resulted in contracts with multiple service providers or a multiple award schedule, an applicant cannot simply select any service provider from the contract or schedule. Instead, the applicant must be able to document why it selected a specific service provider from among those service providers, with the price of the eligible products and services being the primary factor in its evaluation. This process must be documented in the same way that an applicant must document its selection process when it files its own Form 470.”

Scenario: A state awarded a multiple award contract after filing the Form 470 and RFP as required to meet competitive bidding requirements pursuant to FCC requirements and state procurement law (waited the required 28+ days before awarding a multi-year contract). An applicant wants to apply for products and services from the multiple award contract citing the state's Form 470. Based on the additional guidance provided by SLD concerning multiple award contracts the applicant is required to document why they selected a specific service provider from among those service providers on the awarded contract, with price being the primary factor. Therefore, to be able to determine the most cost effective service provider amongst those on the awarded contract the applicant requested quotes and qualifications from the service providers on the awarded contract for products on the awarded contract, received the requested quotes, evaluated them based on established local evaluation procedures, with price as the primary factor, and documented the selection with a memo as required, by SLD guidance.

There are no additional state or local procurement requirements. In fact, the state allows applicants to select a service provider from amongst those on the awarded contract without any further vetting of vendors or justification because the vendors have already been awarded the contract and authorized to provide the specified products and services on that contract. As previously stated there had already been a compliant competitive bid process and a contract award associated with the state's Form 470 and RFP in which the state had waited the requisite 28 days before awarding the contract. The requirement for applicants to document why they selected a specific service provider does not specify a required waiting period for collecting quotes only that the documentation of the vendor selection process occur. Clearly the 28 day period had already been met with the posting of the 470 and RFP. Does USAC-SLD have a minimum number of days that the request for quotes from an already awarded contract must be published before the applicant can select a service provider from amongst those on the awarded state contract and if so, where is that guidance documented?